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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,959	12/27/2006	Antonic Johannes Gelderblom	72998-012300	4582
Charles Berman Greenburg Traurig 2450 Colorado Avenue Suite 400E Santa Monica, CA 90404				
EXAMINER VU, MICHAEL T				
ART UNIT 2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,959

Applicant(s)GELDERBLOM, ANTONIE
JOHANNES**Examiner**

MICHAEL T. VU

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remark, filed 11/05/2009, with respect to the rejection(s) of claim(s) 1-4, and 9-13 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Skog (US 6,330,445).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vestergaard (US 2002/0068574) in view of Skog (US 6,330,445), and further in view of Stadelmann (US 6,738,622).**

Regarding claim 1, Vestergaard teaches method for providing a mobile telephony application (protocol [0002-0004]) to a mobile communication device in communication with a first network (Figure #1, PLMN-A, Home Network), comprising the step of transferring information related to the mobile telephony application between the mobile phone (Figure #1, Phone #1) and a second network exchange (Figure #1, PLMN-B, Second/Visit Network), wherein the method comprises the further steps of:

But Vestergaard does not clearly teach retrieving data on information transfer mechanisms supported by the mobile communication device; retrieving data on information transfer mechanisms supported by the first network; retrieving data on information, transfer mechanisms supported by the second network; selecting an information transfer mechanism supported by the mobile communication device, the first network and the second network; initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange.

However, Skog teaches retrieving data on information transfer mechanisms supported by the mobile communication device (Figure #10, authorized to use the services, Col. 3, lines 8-39), and (Col. 8, lines 20-42); retrieving data on information transfer mechanisms supported by the first network (compatible communication protocol, Col. 7, lines 15-54); retrieving data on information, transfer mechanisms supported by the second network (transfer to compatible communication network such as visited/foreign/roaming network, see VLR, Col. 7, line 15 to Col. 8, line 33); selecting an information transfer mechanism supported by the mobile communication device, the first network and the second network (see VPLMN, Col. 2, lines 12-40), routing/selecting to VLR, Col. 3, lines 8-40); initializing the mobile telephony application using the selected information transfer mechanism to relay the information between the mobile communication device and the second network exchange (see transfer to compatible communication network such as visited/foreign/roaming network, see Col. 4, lines 16-54), and (VPMN/VLR, Col. 7, line 15 to Col. 8, line 33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaard, with Skog's teaching, in order to store the applications used to support the services on a subscriber bases such as entering the same service code in different PLMNs will invoke different applications in roaming services for extending the communication network, or increasing capacity demands upon the location of the subscriber.

But Vestergaard and Skog do not explicitly teach wherein the selected information transfer mechanism comprises **one or more** of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service.

However, Stadelmann specifically teaches wherein the selected information transfer mechanism comprises **one or more** of the group of Dual Tone Multiple Frequency; Direct Dial In; Unstructured Supplementary Services Data; Short Message Service (Col. 7, lines 3-51), and (Col. 2, lines 7-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaard and Skog, with Stadelmann's system, in order to implement the call back service with the reliable or quality connections for saving cost such as roaming in different networks, e.g., exchanging the short message services between in various networks for extending the communication services.

Regarding claim 2, Vestergaard, Skog and Stadelmann teach method according to claim 1, in which the first and second networks are geographically separated (see

transfer to compatible communication network such as visited/foreign/roaming network, see Col. 4, lines 16-54), and (VPMN/VLR, Col. 7, line 15 to Col. 8, line 33) of Skog.

Regarding claim 3, Vestergaard, Skog and Stadelmann teach method according to claim 1, in which the first and second networks use different communication standards (inherently different system such as GSM, CDMA are different standards, therefore, implement the two networks are compatible used by applications, or protocol, etc.) of Skog.

Regarding claim 9, Vestergaard, Skog and Stadelmann teach method according to one of the claim 1, in which the method comprises the further step of detecting a start event by checking **one or more** characteristics of a number entered on the mobile communication device (see Col. 4, lines 16-54), and (VPMN/VLR, Col. 7, line 15 to Col. 8, line 33) of Skog.

Regarding claim 10, Vestergaard, Skog and Stadelmann teach method according to claim 9, in which the characteristics comprise the number of digits, **or** a special sequence of digits (see GSM technical standard, Col. 2, lines 4-40) of Skog.

Regarding claim 11, Vestergaard, Skog and Stadelmann teach method mobile communication device comprising processing means and memory means connectable to the processing means, in which the processing means are arranged to execute the steps of the method according to claim1 (see Col. 4, lines 16-54), and (VPMN/VLR, Col. 7, line 15 to Col. 8, line 33) of Skog.

Regarding claim 12, Vestergaard, Skog and Stadelmann teach method mobile communication device according to claim 11, in which the memory means comprise a SIM card, (see GSM is used a SIM Card, Col. 2, lines 4-23) of Skog.

Regarding claim 13, Vestergaard, Skog and Stadelmann teach SIM card comprising a software application, which, when inserted into a mobile communication device, provides the mobile communication device with the functionality of the methods according to one of the claim 1, (see GSM protocol that compatible with other networks that stored applications/protocol in a SIM Card, Col. 2, lines 4-23) of Skog.

4. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vestergaard, Skog, and Stadelmann and further in view of Jiang (US 2002/0057678).**

Regarding claim 4, Vestergaard, Skog and Stadelmann teach method according to one of the claim 1, **but Vestergaard, Skog and Stadelmann do not teach** in which the information transfer mechanisms are prioritized, and the information transfer mechanism allowed by the mobile communication device, the first network and the second network having the highest priority is selected.

However, Jiang teaches in which the information transfer mechanisms are prioritized [0377, 0383], and the information transfer mechanism allowed by the mobile communication device, the first network and the second network having the highest priority is selected ([0377]), see **&priority=x** (where x =1, 2 or 3; **1 is the most urgent**.

(Note: OSPF protocol is one of example for priority that transfers mechanisms/routing from one network to another network, etc.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vestergaard, Skog, and Stadelmann, with Jiang's system, in order to increase the access network data and/or network services anywhere that using the most routing protocols for roaming in the case of a wireless telephones, wireless mobile, wireless portable, and hand-held personal data assistants (PDAs) are extending the different network environments for handoff, etc.

Allowable Subject Matter

5. **Claims 6-8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 6, the prior art of record fails to teach alone or in combination, a method according to claim 1, in which the mobile telephony application is a call back application allowing establishment of a connection between the mobile communication device and a further mobile communication device by intervention of the second network exchange, in which the step of initializing comprises the steps of: transferring a request for call back, the number to be called associated with the further

mobile communication device and the number of the mobile communication device to the second network exchange; accepting the call from the second network exchange to establish the connection.

Dependent claims 7-8 are allowable for the same reason as set forth above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/

Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617